

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: House Bill 1467

COMMITTEE: Environmental Matters

POSITION: Support with Amendments

TITLE: Environment – Coal Combustion By-Products – Minimum Standards – Beneficial Uses

BILL ANALYSIS: The bill would require persons using or disposing of coal combustion by-products for beneficial uses: that involves contact with the ground to be conducted in compliance with best engineering practices to prevent or control and capture leachate generated and fugitive dust emissions; and that involves landfill, structural building, soil improvement, agriculture, soil conditioning, or land reclamation to minimize dust and wind erosion, be conducted in compliance with Department silt control regulations and permit requirements, and use engineering practices that are at least as protective of the environment and public health as those required for landfill disposal of coal combustion by-products. This bill would repeal current §15-407 of the Environment Article which relates to pozzolan, a type of CCB.

POSITION AND RATIONALE: Support with Amendments.

This bill is generally in concert with the Department's efforts to safely regulate the disposal and beneficial use of coal combustion by-products (CCBs) through the development and proposal of Departmental regulations in 2008 and 2010. However, the enactment of the bill would require significant changes to the current draft regulations for beneficial use of CCBs that are being proposed, and the coal mine regulations promulgated in 2008.

The existing language of the Pozzolan Act would be repealed from Title 15 of the Environment Article. Although it is deemed appropriate to move the requirements for pozzolan to the same Section of the Code with the other provisions for CCBs, there is some concern that the loss of the definition of pozzolan may be detrimental to the implementation of the legislation in the future. The Department's first amendment would preserve the definition of pozzolan in the statute.

In the second amendment to the bill, the Department proposes language changes to reflect that it is nearly physically impossible to prevent all potential for the formation of leachate or generation of dust from the disposal of CCBs. The Department's amendment would require that CCB contact with the ground be conducted in accordance with regulations governing disposal, mine reclamation, or beneficial use of CCBs.

The third amendment is a technical one to ensure the correct terminology related to use of CCBs for landfills, structural building, soil improvement, agriculture, soil conditioning, and land reclamation. The term "silt" should be replaced with "applicable" as there are no "silt" control regulations and the term "applicable" is a term that would require broader environmental protection.

The bill would not allow Class C coal combustion by-products, which are highly alkaline, to be used in the reclamation of coal mines to mitigate the acid mine drainage that is formed from the oxidation

of sulfur-bearing minerals in the earth and rocks that were removed from over the coal during the mining process (called “overburden”). The Department’s current coal mine regulations allow this practice, however, this use would be prevented under this bill as it would require that leachate from the CCBs be collected. The Department’s regulations would limit the amount of CCBs that can be placed in a mine to the amount needed to neutralize the acid mine drainage, which helps minimize the leaching of metals in both the overburden and the CCBs, so a liner and leachate collection system would not be required.

Similarly, the bill would prevent the use of bottom ash, a coarse type of CCB, from being used as a traction aid in winter, as would be allowed under certain conditions by the Department’s proposed CCB beneficial use regulations that were published in the Maryland Register February 26, 2010. The use of CCBs as a traction aid is allowed in many states, and has been practiced in several Western Maryland counties. The Department’s last amendment is intended to address these concerns.

FOR MORE INFORMATION,
CONTACT LISA NISSLEY
410-260-6301 ANNAPOLIS
410-537-3812 BALTIMORE

BY: Maryland Department of the Environment

AMENDMENTS TO HOUSE BILL 1467
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 in line 7, after “Pozzolan” insert “. THE FINELY DIVIDED RESIDUE WHICH RESULTS FROM COMBUSTION OF GROUND OR POWDERED COAL AND IS RELEASED BY COMBUSTION GASES, AS DEFINED BY THE TEST METHODS PUBLISHED BY THE AMERICAN SOCIETY FOR TESTING METHODS”

AMENDMENT NO. 2

On page 2 in line 20 strike “PREVENT” and insert “MINIMIZE IMPACT BY” and in line 21 after “EMISSIONS” insert “IN ACCORDANCE WITH REGULATIONS GOVERNING THE DISPOSAL, COAL AND NON-COAL MINE RECLAMATION, OR BENEFICIAL USE OF COAL COMBUSTION BY-PRODUCTS”.

AMENDMENT NO. 3

On page 2 in line 25 strike “SILT CONTROL” and insert “APPLICABLE”.

AMENDMENT NO. 4

On page 2 in line 31 after “BY-PRODUCTS” insert “, OR COAL AND NON-COAL MINE RECLAMATION USING COAL COMBUSTION BY-PRODUCTS”.